

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ELLA GLOVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 08 CV 2030
	)	
KENWOOD HEALTHCARE	)	Judge Kendall
CENTER, INC.,	)	
	)	Magistrate Judge Keys
Defendant.	)	

**ANSWER TO COUNTS I AND III OF THE COMPLAINT**

Defendant Kenwood Healthcare Center, Inc., by its undersigned attorneys, answers Plaintiff's Complaint as follows:

**NATURE OF CASE**

1. Defendant admits the allegations of Paragraph 1 of the Complaint.

**JURISDICTION AND VENUE**

2. Defendant denies that this court has jurisdiction over the action pleaded in Count II of the Complaint, and admits the other allegations of Paragraph 2.
3. Defendant denies that venue in the Northern District of Illinois is proper as to Count II of the Complaint, and admits the other allegations of Paragraph 3.
4. Defendant denies that Plaintiff has fulfilled the conditions precedent relating to Count II hereof, and admits the other allegations of Paragraph 4.

**PARTIES**

5. Defendant admits the allegations of Paragraph 5 of the Complaint.
6. Defendant admits the allegations of Paragraph 6 of the Complaint.

7. Defendant denies the allegations of Paragraph 7 of the Complaint.

8. Defendant admits the allegations of Paragraph 8 of the Complaint.

**COUNT I**

**Hostile Work Environment Harassment/Inferior Terms and Conditions  
of Employment Due to Age**

9. Defendant incorporates its answers to the preceding paragraphs by reference herein.

10. Defendant admits the allegations of Paragraph 10 of Count I of the Complaint.

11. Defendant denies the allegations of Paragraph 11 of Count I of the Complaint.

12. Defendant admits the allegations of Paragraph 12 of Count I of the Complaint.

13. Defendant admits that Plaintiff was assigned on certain, but not all, days to perform said duties during said time period.

14. Defendant admits that Ms. Bolden was a supervisor on certain, but not all, of said days during said time period.

15. Defendant denies the allegations of Paragraph 15 of Count I of the Complaint.

16. Defendant denies the allegations of Paragraph 16 of Count I of the Complaint.

17. Paragraph 17 of Count I of the Complaint is neither a complete nor a comprehensible sentence, and Defendant therefore is unable to admit or deny the same.

18. Defendant denies the allegations of Paragraph 18 of Count I of the Complaint, and affirmatively states that said employment was terminated by reason of Plaintiff's misconduct, insubordination, and patient neglect.

19. Defendant denies the allegations of Paragraph 19 of Count I of the Complaint.

20. Defendant denies the allegations of Paragraph 20 of Count I of the Complaint.

21. Defendant denies the allegations of Paragraph 21 of Count I of the Complaint.

22. Defendant denies the allegations of Paragraph 22 of Count I of the Complaint.

WHEREFORE, Defendant respectfully prays that this Honorable Court dismiss Count I of the Complaint, with prejudice, and with costs and fees taxed to Plaintiff, and for such other and further relief as this Honorable Court deems appropriate.

## **COUNT II**

### **Retaliation**

Defendant makes no answer to Count II inasmuch as it has contemporaneously filed a Motion to Dismiss same.

## **COUNT III**

### **Age Discrimination in Termination**

1 - 22. Defendant repeats and realleges its answers to Paragraphs 1 through 22 as if fully set forth herein.

23. No answer is required because it relates to a re-incorporation allegation of Count II.

24. Defendant denies the allegations of Paragraph 24 of Count III of the Complaint.

25. Defendant denies the allegations of Paragraph 25 of Count III of the Complaint.

26. Defendant denies the allegations of Paragraph 26 of Count III of the Complaint.

27. Defendant denies the allegations of Paragraph 27 of Count III of the Complaint, and Defendant affirmatively states that said employment was terminated by reason of Plaintiff's misconduct, insubordination, and patient neglect.

28. Defendant denies the allegations of Paragraph 27 of Count III of the Complaint.

29. Defendant denies the allegations of Paragraph 29 of Count III of the Complaint.

30. Defendant denies the allegations of Paragraph 30 of Count III of the Complaint.

31. Defendant denies the allegations of Paragraph 31 of Count III of the Complaint.

32. Defendant denies the allegations of Paragraph 32 of Count III of the Complaint.

33. Defendant denies the allegations of Paragraph 33 of Count III of the Complaint.

34. Defendant re-incorporates the preceding paragraphs by reference herein.

35. Defendant denies the allegations of Paragraph 35 of Count III of the Complaint, and Defendant affirmatively states that said employment was terminated by reason of Plaintiff's misconduct, insubordination, and patient neglect.

36. Defendant denies the allegations of Paragraph 36 of Count III of the Complaint.

37. Defendant denies the allegations of Paragraph 37 of Count III of the Complaint.

WHEREFORE, Defendant respectfully moves this Honorable Court to strike and dismiss Count III, with prejudice, and with costs and fees taxed to Plaintiff, and for such other and further relief as this Honorable Court deems appropriate.

Respectfully submitted,

By: s/ Gary D. Ashman  
Attorney for Defendant

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Suite 3000  
Chicago, Illinois 60606  
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**CERTIFICATE OF SERVICE**

I certify, under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, that I served a copy of this Answer to Counts I and III of the Complaint by faxing a copy of same to:

Mr. Uche O. Asonye  
Mr. Scott Fanning  
Asonye & Associates  
11 South LaSalle Street  
Suite 2140  
Chicago Illinois 60603  
Fax: 312/795-9114

before 5:00 p.m. on July 1, 2008.

S/Gary D. Ashman

Gary D. Ashman - #37710  
Ashman & Stein  
150 North Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Telephone: 312/782-3484